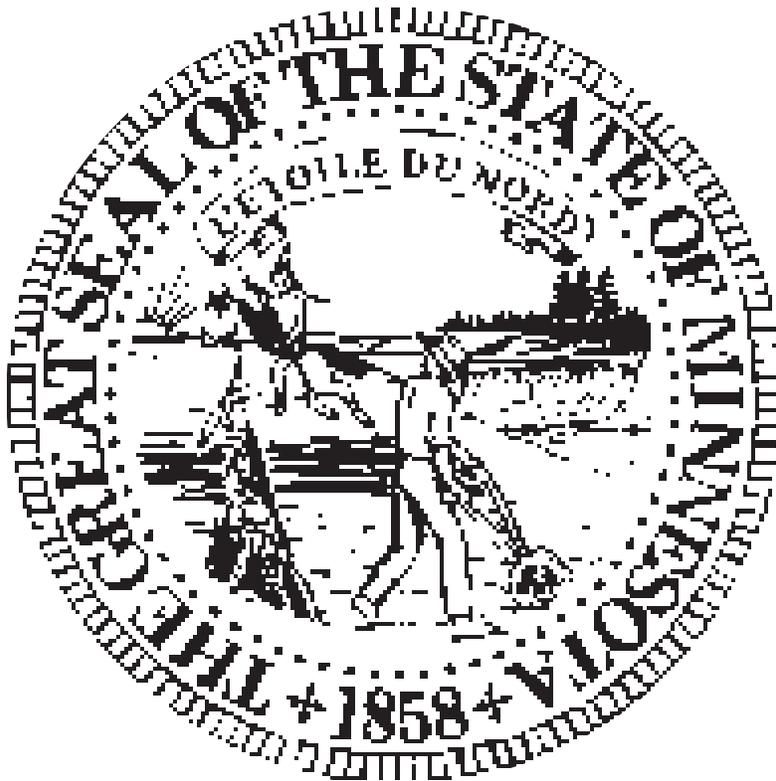


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#30	Monday 25 January	Noon Wednesday 13 January	Noon Tuesday 19 January
#31	Monday 1 February	Noon Wednesday 20 January	Noon Tuesday 26 January
#32	Monday 8 February	Noon Wednesday 27 January	Noon Tuesday 2 February
#33	Tuesday 16 February	Noon Wednesday 3 February	Noon Tuesday 9 February
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Department of Health

### Adopted Permanent Rules Relating to Lead Poisoning Prevention

The rules proposed and published at *State Register*, Volume 23, Number 12, pages 623-646, September 21, 1998 (23 SR 623), are adopted with the following modifications:

#### 4761.1020 GENERAL REQUIREMENTS.

Subp. 3. **Owner exemption.** An individual who is the owner of property on which regulated lead work is to be performed or an adult individual who is related to the property owner, as defined in *Minnesota Statutes*, section 245A.02, subdivision 13, is exempt from the requirements to obtain a license according to items A and B.

B. The individuals are exempt from obtaining a license to perform lead hazard reduction in on their property ~~that is occupied only by the property owner or by individuals who are related to the property owner~~, but the lead hazard reduction must be performed according to the methods in parts 4761.1170 to 4761.1190.

#### 4761.1030 TRANSITION.

##### Subpart 1. Expiration; applicability.

B. To qualify for the provisions of this part, an individual must have a valid license or certificate as of the effective date of parts 4761.1000 to 4761.1220 or must have successfully completed an approved initial training course and have submitted an application demonstrating compliance with this part within ~~30~~ 60 days after the effective date of parts 4761.1000 to 4761.1220.

C. A person must submit an application to become a certified firm as required under part 4761.1040 within ~~30~~ 60 days after the effective date of parts 4761.1000 to 4761.1220.

Subp. 2. **Prior license valid.** An individual who has a license or certificate that was issued by the commissioner before the effective date of parts 4761.1000 to 4761.1220 for lead inspector, lead contractor, or lead worker remains licensed or certified until the annual expiration date, but must meet the requirements of this subpart to remain licensed thereafter.

A. An individual who has a valid lead inspector license on the effective date of parts 4761.1000 to 4761.1220 must apply, before the license expires, for either a lead inspector license or a lead risk assessor license and must meet the requirements of part 4761.1040 to obtain a license without taking another initial inspector training course. Except as provided in subpart 3, an individual who applies for a license as a lead risk assessor must successfully complete the initial risk assessor training course within 12 months after the effective date of parts 4761.1000 to 4761.1220 to qualify for the risk assessor license.

B. An individual who has a valid lead contractor license on the effective date of parts 4761.1000 to 4761.1220 must apply, before the license expires, for either a lead supervisor license or a lead project designer license and must meet the requirements of part 4761.1040 within 12 months after the effective date of parts 4761.1000 to 4761.1220 to obtain a license without taking another initial supervisor training course.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

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C. Within 12 months after the effective date of parts 4761.1000 to 4761.1220, the individual must have passed the appropriate examination conducted by an independent testing organization ~~as described in part 4761.1040, subpart 2, item B, subitem (2); permitted by the commissioner under part 4761.1080~~ and must have submitted an application demonstrating compliance with this subpart.

Subp. 3. **Prior training valid.** An individual who does not have a license or certificate that is valid on the effective date of parts 4761.1000 to 4761.1220, but who successfully completed an initial training course before the effective date of parts 4761.1000 to 4761.1220, must meet the requirements of this subpart to obtain a license without taking another initial training course.

A. The individual must have successfully completed:

(1) an initial training course from a member of the United States Environmental Protection Agency's lead training consortia within ~~24~~ 30 months before the effective date of parts 4761.1000 to 4761.1220;

(2) an initial training course that uses the training curricula used by the United States Environmental Protection Agency's lead training consortia within ~~24~~ 30 months before the effective date of parts 4761.1000 to 4761.1220; or

B. Within 12 months after the effective date of parts 4761.1000 to 4761.1220, the individual must have passed the appropriate examination conducted by an independent testing organization ~~as described in part 4761.1040, subpart 2, item B, subitem (2); permitted by the commissioner under part 4761.1080~~ and must have submitted an application demonstrating compliance with this subpart.

### **4761.1040 LICENSURE; CERTIFICATION.**

Subpart 1. **General requirements.** The requirements of this subpart apply to an applicant for licensure as a lead inspector, lead risk assessor, lead worker, lead supervisor, or lead project designer and to an applicant for certification as a certified firm.

D. An individual who performs regulated lead work must be employed by a certified firm unless:

(1) the individual is a sole proprietor and does not employ any other individual who performs regulated lead work; ~~or~~

(2) the individual is employed by a person that does not perform regulated lead work outside of the person's property; ~~or~~

(3) the individual is employed by an assessing agency.

Subp. 2. **Qualifications; application.**

B. A license application must be submitted on a form provided by the commissioner. A license application must include:

(2) documentation that the applicant passed an examination, within six months ~~of~~ after the end of the initial training course or within six months after an examination is permitted by the commissioner, whichever is later, that was administered by the commissioner or an independent testing organization permitted or administered by the commissioner; and

(3) verifiable documentation that the applicant has the additional education or experience required in subpart 6, item B, subpart 8, item B, or subpart 9, item B.

Subp. 3. **Expiration and renewal.**

A. A license is valid for 12 months from the last day of the initial training course required to obtain the license or 12 months from the day that the independent examination was first available for those licenses for which an examination is required. In no case shall a license be valid for more than 12 months. A license that is renewed is valid for 12 months after the expiration date of the initial license.

D. A certified firm must renew certification each year within 60 days before the expiration date of the certificate. A renewed certificate is valid for 12 months from the expiration date of the previous certificate.

Subp. 6. **Lead risk assessor.**

B. In addition to successful completion of training courses, an applicant must have at least one of the following qualifications to obtain a license as a lead risk assessor:

(3) designation as a certified industrial hygienist, registered professional engineer, registered architect, certified safety professional, or registered public health sanitarian; or

Subp. 8. **Lead supervisor.**

A. An applicant for licensure as a lead supervisor must successfully complete a training courses course for ~~both lead worker and~~ lead supervisor.

B. In addition to successful completion of the training courses course, an applicant must have at least one of the following qualifications to obtain a license as a lead supervisor:

Subp. 10. **Training courses; other jurisdictions.** An applicant must successfully complete either a training course permitted under part 4761.1050 or a training course ~~presented in another state or the~~ a jurisdiction of a federally recognized Indian tribe with whom the commissioner has a written agreement to accept the training courses. An agreement must be with a state or a federally recognized Indian tribe or the United States Environmental Protection Agency in a jurisdiction that is federally administered.

**4761.1050 PERMITS FOR TRAINING COURSES.****Subp. 5. Required personnel.**

A. An applicant must provide verifiable documentation that the training program employs a training manager who has experience, education, or training in regulated lead work, asbestos related work, asbestos management activities, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene and one of the following:

(2) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field; or

(3) at least two years of experience in managing a training program in environmental hazards; ~~and~~

~~(4) experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.~~

**Subp. 6. Duties.**

A. A training manager is responsible for ensuring that:

(6) notice on a form provided by the commissioner, which includes the agenda with instructors identified, qualifications of all instructors, and any changes to course materials and handouts provided by the instructors, is provided to the commissioner at least ~~14~~ five working days before the presentation of a course and at least three working days before amendment of a notice or cancellation of a course; and

D. A training course provider may not allow an instructor to present information at a training course that the instructor intends to complete as a trainee to obtain or renew a license under parts 4761.1000 to 4761.1220.

E. Training in the use of an x-ray fluorescence analyzer must comply with chapter 4730.

**Subp. 7. Recordkeeping; reporting.**

C. A training course provider must notify the commissioner in writing within 30 days ~~of~~ after changing the address specified on its application or transferring records from that address. Before a training course provider ceases operations, the provider must deposit its training records with an individual who will maintain the records for the required time and must provide the name and address of the individual to the commissioner.

D. A training course provider must report to the commissioner ~~for,~~ on a form provided by the commissioner, within five working days after the end of each course:

Subp. 8. **Other jurisdictions.** Training course providers located in other states, or in the jurisdiction of a federally recognized Indian tribe, must satisfy the requirements of item A or B to qualify trainees for licensure in Minnesota:

B. a permit or the equivalent approval must be obtained from the state or Indian tribe in whose jurisdiction the course will be presented or from the United States Environmental Protection Agency in a federally administered jurisdiction and with whom the commissioner has a written agreement to accept training courses.

**4761.1060 CONTENT OF INITIAL TRAINING COURSES.**

Subpart 1. **General requirements.** The requirements in this subpart apply to the training courses described in subparts 2 to 6.

~~B. Time allocated for meals or breaks does not contribute to the time required for a course.~~

~~C.~~ A course must be completed within 30 calendar days.

~~D. C.~~ "Hands-on instruction" means that a trainee spends a portion of the course personally using tools or equipment appropriate to the course being presented.

~~E. D.~~ At least one instructor must present hands-on training for every eight trainees.

~~F. E.~~ Without applying for a new or amended permit, the training course provider:

~~G. E.~~ A course test must be administered to each trainee after an initial or refresher training course.

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## Adopted Rules

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### Subp. 3. Lead risk assessor.

A. An initial training course for a lead risk assessor must last a total of at least 16 training hours, including at least ~~eight~~ four training hours of hands-on instruction.

### 4761.1070 CONTENT OF REFRESHER TRAINING COURSES.

Subpart 1. **General requirements.** The requirements of this subpart apply to all refresher training courses.

~~B. Time allocated for meals or breaks does not contribute to the time required for a course.~~

~~C.~~ A course must be completed within 30 calendar days.

~~D. C.~~ Without applying for a new or amended permit, the training course provider:

### 4761.1080 INDEPENDENT TESTING ORGANIZATIONS; PERMITS.

Subp. 2. **Application.** A permit application must be submitted on a form provided by the commissioner and must comply with items A to ~~C~~ D.

~~D.~~ An application must include an assurance that each examination will consist of at least 75 questions and that a passing score will be at least 70 percent correct answers. An application must include documentation that the examination evaluates an individual's understanding of the topics in part 4761.1060, subparts 2 to 6, as appropriate to each examination.

### 4761.1090 INDEPENDENT TESTING ORGANIZATIONS; REQUIREMENTS.

Subpart 1. **Examination administration.** An independent testing organization permitted under part 4761.1080 must:

A. notify the commissioner, on a form provided by the commissioner, of the time and location of a scheduled examination at least 14 days before administering the examination and at least 24 hours before canceling a scheduled examination;

B. allow access to the commissioner to monitor an examination; ~~and~~

C. verify the identity of each individual taking an examination by requiring a picture identification at the time the individual takes the examination; and

~~D.~~ verify that each individual has an original course completion certificate or diploma for a course appropriate to the examination to be taken.

Subp. 2. **Recordkeeping; reporting.** An independent testing organization permitted under part 4761.1080 must:

~~A.~~ report to the commissioner, on a form provided by the commissioner, within five working days after the completion of an examination, and maintain for at least three years the following information:

~~A:~~ (1) the name and current address of each individual who completes an examination;

~~B:~~ (2) the name of the examination completed and the score received by each individual;

~~C:~~ (3) the date of the examination; and

~~D:~~ (4) the location where the examination was administered; and

~~B.~~ annually provide a report to the commissioner that statistically evaluates the validity of examinations administered during the calendar year.

### 4761.1110 LEAD HAZARD SCREENS, LEAD INSPECTIONS, LEAD RISK ASSESSMENTS, AND CLEARANCE INSPECTIONS.

Subpart 1. **General requirements; notices.**

~~D.~~ A person must provide notice to the commissioner, on a form provided by the commissioner, at least ~~three working days~~ 24 hours before performing a lead hazard screen, a lead inspection, or a lead risk assessment ~~that is whether or not required by Minnesota Statutes, section 144.9504.~~

~~E.~~ A person must provide notice to the commissioner at least 24 hours before performing a lead risk assessment that is required by Minnesota Statutes, section 144.9504.

~~F:~~ An amendment to a notice required under item ~~C~~ or D must be submitted to the commissioner, on a form provided by the commissioner, as soon as possible but no later than the effective date and time of the amendment.

~~G:~~ E. A person must provide notice to the commissioner at least 24 hours before performing a clearance inspection, if the commissioner requests the notice.

~~H:~~ G. A notice or amendment required under this subpart must be submitted to the commissioner by mail, ~~telephone~~, or facsimile, except that an assessing agency may also provide notice by telephone.

**4761.1120 CLEARANCE INSPECTIONS.**Subpart 1. **Mandatory lead work.**

E. In a ~~multifamily residence~~ building with more than one dwelling unit, a total of at least four dust samples must be collected as follows:

(1) the same locations described in item D; and

(2) ~~the locations called for in documented methodologies~~ common areas that are potentially contaminated by the lead hazard reduction.

F. If lead hazard reduction was performed with a high efficiency particulate air filter but without containment, the number of samples required under items D and E is doubled to a total of at least six composite samples for a single-family residence and eight composite samples for a ~~multifamily residence~~ building with more than one dwelling unit.

Subp. 2. **Voluntary lead work.** Clearance inspections for voluntary lead hazard reduction must be performed as described in ~~this subpart 4~~ by a lead risk assessor or by a lead inspector, except that a clearance inspection is not required if a property owner performs voluntary lead hazard reduction ~~in a residence that is occupied only by the property owner and adult individuals who are related to the owner, as defined in Minnesota Statutes, section 245A.02, subdivision 43~~ on the owner's property.

A. For both interior and exterior work, a visual determination must be made that no deteriorating paint remains in the areas where lead hazard reduction was performed.

B. After exterior lead hazard reduction, the ground must be free of visible paint chips, whether the ground is covered or bare soil remains. A soil sample must be collected and analyzed if bare soil remains.

C. In a single-family residence, a total of at least three separate dust samples must be collected at least one hour after completion of final cleanup performed after lead hazard reduction as follows:

(1) one dust sample must be collected from one window sill if there is a window within the work area or a composite sample may be collected from sills if there is more than one window in the work area; and

(2) a composite dust sample must be collected that represents at least four rooms, hallways, or stairwells in the following locations or, if less than four rooms, hallways, or stairwells exist, dust samples must be collected from all of the rooms, hallways, and stairwells in the following locations:

(a) the same locations that were sampled in the lead inspection, lead hazard screen, or lead risk assessment and found to exceed a standard in part 4761.1100, except for a sampling location on a building component that was removed; and

(b) the floor immediately outside the entrance through the containment, if any, to the work area.

D. In a building with more than one dwelling unit, a total of at least four dust samples must be collected as follows:

(1) the same locations described in item C; and

(2) common areas that are potentially contaminated by the lead hazard reduction.

**4761.1140 LEAD HAZARD SCREEN.**Subp. 2. **Methods.**

A. If performed, a lead hazard screen must satisfy the requirements of part 4761.1110 and must include:

(4) in common areas of ~~multifamily residences~~ buildings with more than one dwelling unit, collection and analysis of additional composite dust samples from surfaces accessible to a child; and

**4761.1150 LEAD INSPECTION.**Subp. 2. **Methods.**

A. If performed, a lead inspection must satisfy the requirements of part 4761.1110 and must include:

(2) in common areas of ~~multifamily residences~~ buildings with more than one dwelling unit, x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint, if any, from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978; and

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## Adopted Rules

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### 4761.1160 LEAD RISK ASSESSMENT.

#### Subp. 2. **Methods.**

A. A lead risk assessment must satisfy the requirements of part 4761.1110 and must include:

(2) in common areas of multifamily residences, on-site x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint, if any, from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978; ~~and~~

(3) collection and analysis of at least one composite bare soil sample within three feet of the foundation and a separate composite sample from an area in which children play, if these locations contain bare soil;

(4) collection of dust samples from the window sills and wells and from the floor shall be collected in all living areas where a child or pregnant woman is most likely to come into contact with dust; and

(5) collection of dust samples from window sills and wells and from floors in common areas of buildings with more than one dwelling unit and child-occupied facilities where the risk assessor determines that a child or pregnant woman is likely to come into contact with dust.

### 4761.1170 GENERAL REQUIREMENTS FOR LEAD HAZARD REDUCTION.

Subp. 2. **Lead supervisor.** A lead supervisor must be assigned to each project and must be present during work site preparation and final cleanup. A lead supervisor must be able to be immediately contacted and must be able to be present at the work site within two hours ~~of~~ after being contacted. At least one lead worker at the site must be able to immediately contact the supervisor.

#### Subp. 3. **Notification.**

A. A ~~certified firm or~~ lead supervisor must notify the commissioner ~~on a form and submit the work plan required by Minnesota Statutes, section 144.9505, subdivisions 4 and 5, on forms~~ provided by the commissioner in writing at least five working days before commencing lead hazard reduction, whether the work is ordered or voluntary. The notice must also be provided to the assessing agency if the lead hazard reduction was ordered by an assessing agency.

B. As required under Minnesota Statutes, sections 144.9503, subdivision 6, and 144.9504, subdivision 8, a property owner who intends to personally perform lead hazard reduction in the owner's property must provide a work plan to the commissioner, on a form provided by the commissioner, at least ten working days before commencing voluntary lead hazard reduction and must provide a work plan and obtain approval from the commissioner before commencing mandatory lead hazard reduction.

~~B. C.~~ Notice to the commissioner is not required for swab team services ordered by an assessing agency.

~~C. D.~~ A person must notify the commissioner on a form provided by the commissioner within 30 days ~~of~~ after completing a lead project design.

### 4761.1180 RESTRICTED METHODS FOR LEAD HAZARD REDUCTION.

Subpart 1. **Restricted methods.** The lead hazard reduction work practices in items A to H are restricted as described.

E. Dry scraping ~~is~~, dry sanding, and dry wire brushing are prohibited except for removing defective paint around electrical outlets, electrical fixtures, or other areas totaling no more than:

Subp. 2. **Encapsulation methods.** Materials to be used for encapsulation of lead-based paint must first be permitted by the commissioner according to items A to D.

B. ~~Before installing an encapsulant, A lead risk assessor must verify that~~ the surface to be encapsulated and the encapsulant ~~must~~ successfully pass the patch and adhesion tests described in United States Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 13, part VI (June 1995). The guidelines are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system. The property owner or lead supervisor is responsible for determining that the surface to be encapsulated is structurally sound, is not a surface subject to friction or impact in normal usage, and will support the application of an encapsulant. Preparation of a surface for the patch and adhesion tests does not constitute lead hazard reduction. The property owner or lead supervisor must notify the commissioner, on a form provided by the commissioner, of the location of the tests to be done ~~five working days~~ 48 hours before performing the patch and adhesion tests.

#### Subp. 3. **Abrasive and water blasting methods.**

B. Interior abrasive blasting and modified-wet abrasive blasting are prohibited, except for radiators and other metal building components, which must be totally enclosed during the blasting. Interior water blasting is prohibited except in masonry or stone basements.

C. Exterior water blasting must be performed in a manner that prevents water and debris from leaving the property and that provides for filtration of dust and debris from the water.

**4761.1190 METHODS FOR LEAD HAZARD REDUCTION.**

Subp. 2. **Interior paint; larger areas.** The methods in items A to ~~Q~~ **N** must be used when disturbing interior painted surfaces greater than two square feet per room or if work will take more than one working day to complete.

Subp. 3. **Exterior paint.** The methods in items A to N must be used when disturbing exterior painted surfaces.

A. One layer of plastic sheeting of at least six mil or equivalent thickness must be spread on the ground extending at least ten feet beyond the perimeter of the surface being disturbed or extending at least 20 feet if the structure is more than one story in height. Plastic sheeting must extend at least to the property line if the property line is less than ten feet from a one-story structure or is less than 20 feet from a higher structure.

Subp. 4. **Soil methods.** The methods in items A to D must be used when disturbing bare soil.

A. Bare soil must be removed to a depth that eliminates visible paint chips, or debris, dust, or residue, if any is present, unless the soil is to be covered with concrete, asphalt, or other impervious material. The soil newly exposed by removal of surface soil must be covered as specified in item B unless it is tested and found to contain lead in a concentration of less than 100 parts per million. The final surface must provide erosion control.

## Department of Human Services

### Adopted Permanent Rules Relating to Repealing Certain Department of Human Services Rules

The rules proposed and published at *State Register*, Volume 23, Number 17, pages 875-877, October 26, 1998 (23 SR 875), are adopted as proposed.

## Board of Pharmacy

### Adopted Permanent Rules Relating to Pharmacy Technicians and Miscellaneous Changes

The rules proposed and published at *State Register*, Volume 23, Number 10, pages 560-568, September 8, 1998 (23 SR 560), are adopted with the following modifications:

**6800.2400 PHARMACIST-IN-CHARGE.**

Subpart 1. **Responsibilities and duties.** No person shall conduct a pharmacy without a pharmacist-in-charge, who shall be a pharmacist regularly employed in the pharmacy department and shall be designated in the application for license, each renewal thereof or pursuant to subpart 4. It is the pharmacist-in-charge's duty and responsibility, consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws:

E. to develop appropriate detailed written procedures directing activities of pharmacy technicians and to ~~submit~~ make these procedures available to the board, and to ensure that all persons working as pharmacy technicians are registered with the board, in accordance with part 6800.3850;

**6800.2600 VENDING MACHINES.**

It is unlawful to distribute, dispense, or vend any legend drug by automatic or vending machine without first providing the board with written notification of the location of the automated medication management system, the name and address of the pharmacy responsible for control of the system, and the name of the pharmacist-in-charge of the pharmacy. Nothing in this part prohibits a licensed hospital receiving pharmaceutical services from a licensed pharmacy on the premises from utilizing such a device in an emergency, after regular pharmacy hours, when the hospital's pharmacist has complete control over the monitoring of drug therapy, packaging, labeling, filling, recordkeeping, and security of the drugs involved and of the device, and when the device is utilized in compliance with all other state and federal laws and regulations regarding the distribution of legend drugs. In addition, nothing in

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## Adopted Rules

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this part prevents a licensed hospital, receiving pharmaceutical service from a licensed pharmacy on the premises, from using an automated medication management system as its primary drug distribution system if the system requires that drug orders are reviewed and released by a pharmacist before hospital nursing staff are allowed access to the drug.

Use of automated medication management systems at sites remote from the location of the pharmacy responsible for the system must be approved by the board before installation and implementation. Requests for approval must be submitted in writing and must include a copy of the policies and procedures which will govern the operation of the system. The board shall grant approval if it determines that:

A. the approval will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;

B. the measures to be taken in the use of the automated system are equivalent or superior to those of a more traditional unit dose or other dispensing system; and

C. the system requires that drug orders are reviewed and released by a pharmacist before facility staff are allowed access to the drug.

The board shall deny approval if it determines that item A, B, or C has not been met.

### **6800.3120 TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES.**

Subp. 2. **Conditions of transfer.** A pharmacy may transfer prescription information for the purpose of refilling a prescription if the information is communicated directly by one licensed pharmacist to another. Schedule II prescriptions may not be transferred. Schedules III-V prescriptions may be transferred in accordance with the limitations placed on such transfers by the Drug Enforcement Administration (DEA).

Subp. 3. **Duties of transferring pharmacist.** The transferring pharmacist shall:

B. record on the reverse side of the invalidated prescription or in the electronically maintained record of the prescription the name and address of the receiving pharmacy; and

C. record the date of the transfer.

Recording of prescription transfers by cancellation of the electronic version of the prescription is acceptable only when the quality assurance check required by part 6800.3950, subpart 4, has been completed on the prescription being transferred.

For controlled substances in Schedules III-V, parts 6800.4230 to 6800.4250, the transferring pharmacist shall also record on the reverse side of the invalidated prescription the Drug Enforcement Administration registration number of the receiving pharmacy and the names of the receiving and transferring pharmacists.

### **6800.3850 PHARMACY TECHNICIANS.**

Subp. 4. **Written procedures.** Written procedures for the use of pharmacy technicians in a pharmacy shall be prepared by the pharmacist-in-charge. A copy of the procedures must be given to each technician and a copy must be kept on file in the pharmacy. The written procedures must be made available for inspection by the board upon request. These procedures must comply with the standards in this chapter and will be reviewed for compliance on that basis.

These procedures must indicate in detail the tasks performed by the pharmacy technician; the name, address, and registration number of the pharmacy technician; and the certification steps performed by the licensed pharmacist in verifying the technician's work. Procedures shall be updated at least every five years.

# Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order #99-01: Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, **JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and *Minnesota Statutes*, section 221.0269, do hereby issue this Emergency Executive Order:

**WHEREAS**, severe cold weather has seriously affected the necessary transportation of home heating fuels and propane; and

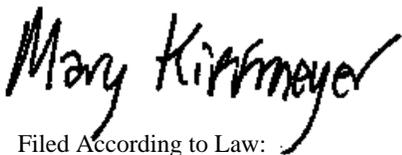
**WHEREAS**, this transportation crisis has resulted in delivery problems and has therefore affected the availability of needed fuels;

**NOW, THEREFORE**, I hereby declare that:

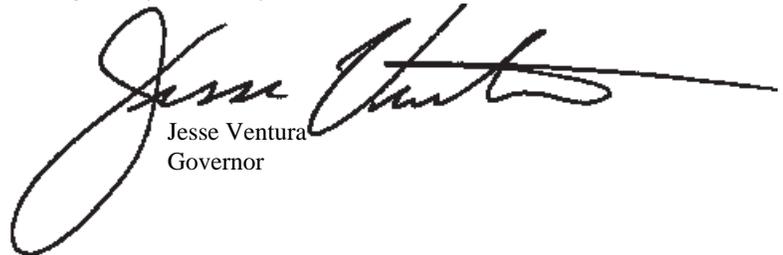
1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in *Minnesota Statutes*, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles, while transporting propane and home heating fuels to customers.
2. Nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she need immediate rest shall be given at least eight consecutive hours off duty before the driver is required to return to service.

Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order shall be effective immediately and shall remain in effect until 11:59 P.M., CST, January 16, 1999, unless superseded or extended under *Minnesota Statutes*, section 221.0269, subdivision 2.

**IN TESTIMONY WHEREOF**, I have set my hand this eighth day of January, 1999.



Filed According to Law:  
Mary Kiffmeyer  
Secretary of State



Jesse Ventura  
Governor

## Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice # 99-01: Sales and Use Tax - Public Warehouse

*Minnesota Statutes*, § 297A.01, subdivision 7, refers to a "public warehouse". For purposes of administering the Minnesota sales and use tax, public warehouse is defined as any building or structure, or any part thereof, used for storing or warehousing goods for compensation. The warehouse operator must hold the facility out to the public for storage or warehousing and must advertise, solicit or accept goods, wares or merchandise from the public for storage for consideration. The term "public warehouse" does not include facilities where the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to a written contract between the landlord and tenant.

Dated: 25 January 1999

Terese Koenig, Director  
Appeals, Legal Services and Criminal Investigation Division

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Department of Administration

### State Designer Selection Board (SDSB) Meeting Dates, Times and Agenda Items

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of January 14, 1999:

- **February 2, 9:00 a.m.**
  1. Project 33-98 DNR Construction of a New Visitors Center at Itasca State Park - Shortlisting
- **February 23, 9:00 a.m.**
  1. Project 33-98 DNR Construction of a New Visitors Center at Itasca State Park - Interview/Selection
  2. Project 34-98 MnSCU Building Renovation and Expansion at Laurentian Community and Technical College - Shortlisting

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at (651) 297-5526.

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C, for 150 Acres of Bare Farmland in Morgan Township, Redwood County

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on February 12, 1999, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 150 acres of bare farmland located in NW 1/4 Section 10, Morgan Township, Redwood County, Minnesota on behalf of James J. and Colleen L. Spangler, a married couple (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$105,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 6 January 1999

Jim Boerboom  
RFA Director

## Environmental Quality Board

#### Notice of Additional Hearing Locations on the Proposed Amendment to Rules Governing the Environmental Review Program: Application of 'Connected Actions' Provision to Animal Feedlots and Mandatory Environmental Assessment Worksheet and Exemption Requirements for Animal Feedlots, *Minnesota Rules*, parts 4410.4300, subpart 29 and 4410.4600, subpart 19.

**Additional Hearings.** The Environmental Quality Board has previously announced a public hearing on the above-entitled rules to be held in St. Paul, North Mankato and Morris on January 21, 25, and 26 respectively (see *State Register*, Volume 23, Number 25, pages 1412-1414, December 21, 1998 (23 SR 1412)). This notice is to inform you of an additional date and two additional locations where the hearing will be held via video conference. The additional hearing will be held on Thursday, February 4 at the following locations in the video conference facilities:

- **Rochester:** Minnesota Pollution Control Agency Office, 18 Wood Lake Drive S.E.  
(Site coordinator telephone: (507) 280-0460)
- **Thief River Falls:** Pennington County Building., 1st & Main Streets  
(Site coordinator telephone: (218) 683-7023)

At each location there will be two sessions: 4:00 p.m. to 6:00 p.m. & 7:00 p.m. to 9:00 p.m. These additional hearings will be conducted as a video conference. The Administrative Law Judge and the EQB staff will conduct the hearing from St. Paul. Persons at the remote sites will interact with the St. Paul facility by video and audio connections similar to television. Testimony will alternate between the remote sites so that all have an equal opportunity to testify. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments.

**Subject of Hearing.** The purpose of the hearing is to receive public testimony about the proposed revision of the EQB's environmental review program rules specifying requirements for environmental assessment worksheets for animal feedlots. The amendments proposed would eliminate the application of the "connected actions" provision to animal feedlots and change the thresholds for mandatory EAWs and for exemptions for animal feedlots. This hearing is NOT about amendment of feedlot permitting rules of the Minnesota Pollution Control Agency.

## Official Notices

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**Public Comments.** You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule amendments. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for no less than five working days after the public hearing ends. The final date for submissions will be determined and announced at the start of the video conference on February 4. All comments and responses submitted to the Administrative Law Judge must be received no later than 4:30 p.m. on the due date.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Allan Klein who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Mpls, Minnesota 55401-2138; (612) 341-7609, and FAX (612) 349-2665.

**Agency Contact Person.** The agency contact person is: Gregg Downing at Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155, telephone (651) 205-4660, FAX (651) 296-3698. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for the Environmental Quality Board at Minnesota Planning.

**Additional Hearing Information.** For additional details about the hearing process consult the December 12, 1998 Notice of Hearing. This notice was published in the December 21, 1998 issue of the *State Register* (*State Register*, Volume 23, Number 25, pages 1412-1414, December 21, 1998 (23 SR 1412) and the December 28, 1998 issue of the *EQB Monitor*, which can be found at many public libraries. Copies can also be obtained from the EQB contact person or at the Environmental Quality Board section of the Minnesota Planning website at [www.mnplan.state.mn.us](http://www.mnplan.state.mn.us).

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Dated: 15 January 1999

Michael Sullivan, Executive Director

## Minnesota Housing Finance Agency Department of Children, Families, and Learning Department of Trade and Economic Development

### Notice of Comment Period on the 2000 Minnesota Citizen Participation Plan

The Minnesota Housing Finance Agency (MHFA), the Minnesota Department of Trade and Economic Development, and the Minnesota Department of Children, Families, and Learning announce the availability of the Citizen Participation Plan for public comment from February 8, 1999, through February 22, 1999, at 4 PM.

The Citizen Participation Plan summarizes how the state intends to solicit public input on the 2000 Minnesota Consolidated Plan. The Citizen Participation Plan outlines the policies and procedures that the state will follow when asking for public input on the consolidated plan process. Before public input may begin on the consolidated plan, the public must have an opportunity to examine the means by which the state intends on soliciting public input.

The consolidated plan is a condition of funding for three U.S. Department of Housing and Urban Development grants: the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG), and the HOME Investment Partnerships program (HOME). The 2000 Consolidated Plan will not be available for public comment until November 1999.

The Citizen Participation Plan will be available for public comment from February 8, 1999, through February 22, 1999, at 4 PM. Copies of the Citizen Participation Plan are available for examination at a series of public places. A full list of these public places appears at the end of this notification. Also, a reasonable number of copies will be available through MHFA and may be requested by calling (651) 296-7608, 1-800-657-3769, or (TTY) (651) 297-2361.

General questions about the Citizen Participation Plan or requests for special accommodations can be directed to Kirby Pitman at (651) 296-8147. Those with a teletypewriter (TTY) may use (651) 297-2361.

**LIBRARIES**

Arrowhead Library System, 701 11th Street North, Virginia  
Bemidji Public Library, 6th & Beltrami, Bemidji  
Duluth Public Library, 520 West Superior Street, Duluth  
East Central Regional Library, 244 South Birch, Cambridge  
Grand Marais Public Library, Post Office Box 280, Grand Marais  
Great River Regional Library, 405 St. Germain, St. Cloud  
Lake Agassiz Regional Library, Post Office Box 699, Moorhead  
Marshall-Lyon County Library, 301 West Lyon Street, Marshall  
Minneapolis Public Library, 300 Nicollet Mall, Minneapolis  
Minnesota Valley Regional Library, 100 E. Main Street, Mankato  
Nobles County Library, Post Office Box 99, Worthington  
Northwest Regional Library, 101 East First Street, Thief River Falls  
Owatonna/Steele County Library, Post Office Box 387, Owatonna  
Pioneerland Public Library System, 410 W. 5th Street, Willmar  
Red Wing Public Library, 225 East Avenue, Red Wing  
Rochester Public Library, 101 Second Street SE, Rochester  
St. Paul Public Library, 90 West 4th Street, St. Paul  
Winona Public Library, Post Office Box 1247, Winona

**REGIONAL DEVELOPMENT COMMISSIONS**

Arrowhead RDC, 221 West First Street, Duluth  
Headwaters RDC, P.O. Box 906, Bemidji  
Metro Council, 230 East Fifth Street, St. Paul  
Mid-Minnesota, 333 West Sixth Street, Willmar  
Northwest RDC, 115 S. Main Ave., Ste 1, Warren  
Region Five, 611 Iowa Avenue, Staples  
Region Nine, P.O. 3367, Mankato  
South West RDC, 2401 Broadway Ave. Ste. 1, Slayton  
Upper Minnesota Valley RDC, 323 West Schlieman, Appleton

**HOUSING PARTNERSHIP'S REGIONAL NETWORK PROJECT OFFICES**

Central Minnesota Housing Partnership, 810 W. St. Germain Ste.303, St. Cloud  
Southeast Minnesota Housing Network, 1414 NorthStar Drive, Zumbrota  
Southwestern MN Housing Partnership, 2501 Broadway Avenue, Ste. 4, Slayton  
Tri-Valley Opportunity Council, PO Box 607, Crookston  
West Central Minnesota Housing Partnership, 220 West Washington Ave. Ste. B3, Fergus Falls

**MINNESOTA INITIATIVE OFFICES**

Central MN Initiative Fund, 70 SE First Avenue, Little Falls  
Northland Foundation, 202 West Superior, Ste 610, Duluth  
Northwest MN Initiative Fund, 722 Paul Bunyan Dr. NW, Bemidji  
Southeast MN Initiative Fund, 540 West Hills Circle, Box 570, Owatonna  
Southwest MN Foundation, PO Box 428, Hutchinson  
West Central MN Initiative Fund, 220 West Washington, Ste 205, Fergus Falls

## Official Notices

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### COUNCILS, ASSOCIATIONS, AND OTHER LOCATIONS

American Indian Housing Group, 202 Bloomington Ave. South, Minneapolis  
Asian Pacific Minnesotans, 100 Meridian Bank, 205 Aurora Ave., St. Paul  
Centro Cultural Chicano, 2201 Nicollet Ave. S., Minneapolis  
CLUES, 220 S. Robert St., Ste 103, St. Paul  
Council on Black Minnesotans, 2233 University Ave., 426 Wright Bldg., St. Paul  
MHFA, 400 Sibley Street, Suite 300, St. Paul  
Minnesota Coalition for the Homeless, 122 West Franklin, Ste. 5, Minneapolis  
Spanish Speaking Affairs Council, 50 Sherburne Avenue, Room G-4, St. Paul  
Upper Midwest American Indian Center, 1113 W. Broadway, Minneapolis

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Correction to Commercial Prevailing Wage Rates

A correction has been made to the Commercial Prevailing Wage Rates certified 10/26/98, due to an error in calculation for **Labor Code 407, Electricians, in Beltrami, Clearwater and Lake of the Woods Counties.**

Copies of the additional certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.65 for each additional page. Make check or money order payable to the State of Minnesota.

Michael Houliston  
Acting Commissioner

## Northern States Power Company

#### Notice of Acid Rain Program Designated Representative

**NOTICE IS HEREBY GIVEN** that, pursuant to *Code of Federal Regulations* Title 40, Part 72, I am the Designated Representative as of February 1, 1999 for the following Acid Rain Program affected sources at Northern States Power Company; the Alternate Designated Representative for each facility as of February 1, 1999 is stated after each plant's affected sources: Allen S. King Plant boiler 1 (Thomas Thomsen); Alliant Techsystems engine 1 (Allan Ness); Black Dog Plant boilers 1, 2, 3 and 4 (Carl Sannes); High Bridge Plant boilers 3, 4, 5 and 6 (Michael Hernandez); Inver Hills Plant engines 7 and 8 (Ronald Brevig); Minnesota Valley Plant boiler 4 (Ronald Brevig); Riverside Plant boilers 6, 7 and 8 (Gary Hudson); Sherburne County Plant boilers 1 and 2, and boiler 3 which is owned by Northern States Power Company and Southern Minnesota Municipal Power Agency (James Brandt); United Health Care engines 1 and 2 (Allan Ness); and United Hospital engines 1, 2 and 3 (Allan Ness). If there are questions, call Nancy Stafki at (612) 330-5520.

Pamela K. Graika  
Director, Environmental and  
Regulatory Affairs Department  
Northern States Power Company

## Board of Teaching

### Request for Comments on Planned Amendments to Rules Governing Approval of Teacher Preparation Institutions and Programs, *Minnesota Rules Part 8700.7600*

**Subject of Rules.** The Minnesota Board of Teaching requests comments on its planned amendments to rules governing Institutional and Program Approval for teacher preparation programs. The Board is considering rule amendments that will regulate the requirements and processes for teacher preparation institutions and programs to be approved by the Board of Teaching. These requirements will be research-based, results-oriented, and focused on skills needed for teachers to be effective. The Board is interested in comments regarding all aspects of requirements and processes for Board approval of teacher preparation programs, including how programs will assess candidate competencies, opportunities to learn, and whether or not there are courses, such as human relations courses, or delivery systems which should be required of all programs.

**Persons Affected.** The amendments to the rules would likely affect teacher preparation institutions and programs and future teachers.

**Statutory Authority.** *Minnesota Statutes*, section 122A.09, subdivision 4 (c), (d), (f), requires the Board to adopt rules for teacher preparation programs.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until March 15, 1999.

**Rules Drafts.** The Board has not yet prepared a draft of the planned amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Mr. Tillmann's phone number is (651) 582-8861, and his FAX number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

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## Official Notices

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### Board of Teaching

#### Request for Comments on Regarding Possible Additional Proposed Rules Governing Teacher Licensure in Reading and Vocational Fields, *Minnesota Rules Part 8700-8710*.

**Subject of Rules.** The Minnesota Board of Teaching requests comments regarding possible additional rules governing teacher licensing, particularly in the areas of reading and vocational licensure. The Board is interested in comments regarding the need for and reasonableness of proposing additional licensure fields in reading and vocational education, and comments regarding what should be included in requirements for such fields, if proposed.

**Persons Affected.** The amendments to the rules would likely affect teacher preparation institutions and programs, school districts, future teachers, and students and communities.

**Statutory Authority.** *Minnesota Statutes*, section 122A.09, subdivision 4, requires the Board to adopt rules relating to teacher licensure.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until March 15, 1999.

**Rules Drafts.** The Board has not yet prepared a draft of these rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Mr. Tillmann's phone number is (651) 582-8861, and his FAX number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

## Department of Trade and Economic Development

### Minnesota Agricultural and Economic Development Board

#### Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes 1986, Chapter 116M* and *Minnesota Statutes, Chapter 41A* on Behalf of Lutheran Social Services of Minnesota

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on February 10, 1999, at 9:00 a.m. o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of one or more series of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes 1986, Chapter 116M*, and *Minnesota Statutes, Chapter 41A*, as amended (the "Act"), to undertake and finance a project on behalf Lutheran Social Service of Minnesota, a Minnesota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the financing of acquisition of vehicles to provide health care services (the "Project") at the following locations and in amounts not to exceed the following: Housing Facilities: (i) 4063 85th Avenue NE, Shoreview, Minnesota, \$15,000; (ii) 810 St. Germain, Suite 201, St. Cloud, Minnesota, \$25,000; (iii) 327 Montana Avenue NW, Pennock, Minnesota, \$35,000; (iv) 34 1st Avenue SW, New London, Minnesota, \$35,000; and (v) 626 West Ripley, Litchfield, Minnesota, \$35,000.

The initial owner of the Project is the Applicant and the Project will be owned, operated and managed by the Applicant. It is contemplated that the Project will be used as nursing homes, senior housing, assisted living or related facilities. The total estimated amount of the Board's proposed bond issues is an amount not to exceed \$145,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 13 January 1999

BY ORDER OF THE MEMBERS OF THE MINNESOTA AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD  
Paul Moe, Executive Director  
Minnesota Agricultural and Economic Development Board

## Department of Transportation

Transportation Research and Investment Management Division

Office of Investment Management

### Notice of Solicitation for Public Review and Comment on the Draft *Hear Every Voice: A Guide to Public Involvement at Mn/DOT*

The Minnesota Department of Transportation is offering an opportunity for public review and comment on proposed procedures for public involvement in the Department's transportation planning, programming, and project development processes. These proposed procedures describe methods and opportunities to involve the public in transportation system planning and project development; it outlines new guidelines for how the Department intends to conduct public involvement processes, and details the overall planning and project development processes including requirements for public involvement and environmental review. The draft of *Hear Every Voice: A Guide to Public Involvement at Mn/DOT* is available for review and copies can be obtained by written request or by calling the number listed below.

You have 45 days to submit comments. Comments must be received by 4:30 p.m. on March 5, 1999. Comments are encouraged and should identify the portion of the document addressed, reason for the comment, and any change proposed. Please direct all correspondence to:

Office of Investment Management  
Minnesota Department of Transportation  
MS 440  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Phone: (651) 296-8478  
FAX: (651) 296-3019

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## State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Minnesota Auto Theft Prevention Program

### Grant Availability for Auto Theft Prevention Programs

The Board of the Minnesota Auto Theft Prevention Program announces the availability of grant funds accessible for the July 1, 1999 through June 30, 2000 grant period. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. This reimbursement grant program must be for projects dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Program Office at (612) 405-6153 or 405-6155).

## Department of Health

### Requests for Proposals for Two Lead-Related Grants

The Minnesota Department of Health intends to award grants of up to a total of \$75,000 to one or more applicants for purchase and maintenance of lead cleanup equipment for loan to the public and related training.

The Minnesota Department of Health intends to award grants of up to a total of \$25,000 to one or more applicants for provision of lead-safe housing and relocation costs for families displaced by lead abatement of their primary residence.

Applicants must request application packets which describe requirements, including checklists of materials to be submitted.

No out-of-state travel is allowed under either grant unless explicitly provided in the contracts between the Minnesota Department of Health and the successful applicants. Purchase of motor vehicles is not allowed under either grant although rental of vehicles is allowable.

Applicants for either grant must state in writing that no one under the age of 18 years will be allowed to participate in regulated lead work.

Previous applicants are reminded that each new application must be complete and stand on its own merits.

### Key Dates

- Proposals must be postmarked by March 19, 1999.
- Awards will be made by April 19, 1999.
- Funding for lead cleanup equipment must be used by September 30, 2000.
- Funding for lead-safe housing must be used by September 30, 2000.

### Grant 1. Lead Cleanup Equipment and Material Grants

Proposals must identify lead cleanup equipment to be purchased, its cost, and how it will be made available to the public. Applicants must indicate that they have space available to store and maintain the equipment. Applicants must also explain how they will cope with any perceived potential liability from loaning lead cleanup equipment to the public. Lead cleanup equipment includes high efficiency particle accumulator and wet vacuum cleaners, drop cloths, secure containers, respirators, scrapers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil. Lead cleanup equipment may include other items if the applicant justifies it as being effective at removal or disposal of lead waste.

### Eligible Applicants

Grant applicants must be nonprofit community-based organizations in areas at high risk for toxic lead exposure. Applicants must include copies of their letters from the U.S. Internal Revenue Service confirming their status as "501(c)(3)" organizations or submit equivalent documentation of nonprofit status.

Applicants must demonstrate ability to provide services to people who are at risk for lead exposure. Areas at high risk for toxic lead exposure include census tracts that meet one or more of the following criteria:

1. elevated blood lead levels have been diagnosed in a population of children or pregnant women;
2. many residential structures are known to have or are suspected of having deteriorated lead-based paint; or
3. median soil lead levels greater than 100 parts per million.

**Eligible Costs**

For the purposes of this grant, lead cleanup equipment and materials means high efficiency particle accumulator (HEPA) and wet vacuum cleaners, wash water filters, mops, buckets, hoses, sponges, protective clothing, drop cloths, wet scraping equipment, secure containers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil. Eligible costs include:

1. purchase of lead-cleanup equipment;
2. provision of a location for storage and loan to people for cleanup of residential property;
3. training of grantee's staff and of people borrowing equipment;
4. routine cleaning and maintenance of the equipment by grantee's staff; and
5. proper disposal of any waste materials on or in the equipment when it is returned.

**Grant 2. Safe Housing Grants**

Safe housing includes lead-safe temporary shelter for families displaced by lead abatement or lead hazard reduction.

**Eligible Applicants**

Applicants must be boards of health with responsibility under *Minnesota Statutes*, section 144.9504, for responding to reports of elevated blood lead levels.

**Eligible Costs**

Eligible costs include moving costs and rent for a temporary residence for any low-income resident temporarily relocated during lead hazard reduction. Eligible costs include:

1. inspection of housing prior to purchase or rent;
2. purchase or rent of temporary housing found by inspection to be free of deteriorating lead-based paint, bare lead-contaminated soil and dust, and lead-contaminated drinking water;
3. moving expenses up to \$250 per family; and
4. staff training costs related to provision of lead-related health education to families using lead-safe, temporary housing.

**Contact:**

For more information, or to apply, contact:

Doug Benson  
Minnesota Department of Health  
Environmental Health Division  
121 E. 7th Place, Suite 360  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
(651) 215-0881  
FAX: (651) 215-0975

### Housing Finance Agency

#### Contingent Request for Proposals for Family Homeless Prevention and Assistance Program

The Minnesota Housing Finance Agency announces the anticipated availability of grant funds through the Family Homeless Prevention and Assistance Program. The actual availability and amount of funds is contingent upon approval by the 1999 Minnesota Legislature.

**Location:** Counties with a significant number or significant growth in the number of homeless families with children, youth, and single adults.

**Sponsor:** In the Twin Cities seven-county metropolitan area, a county is an eligible applicant. In non-metropolitan areas, eligible applicants include a county, a group of contiguous counties jointly acting together, an Indian tribal organization, or a community based nonprofit organization with a sponsoring resolution from each of the county boards of the counties located within its operating jurisdiction.

For all applicants, preference will be given to those who include other public and private providers of emergency services and transitional and affordable permanent housing in the development of their application and the implementation of their program.

**Amount of Funds Available:** \$5.75 million in grant funds are anticipated to be available for the biennium ending June 30, 2001.

**Allocation of Funds:** The target allocation is as follows: \$ 3.16 million for the Twin Cities 7-county metropolitan area and \$ 2.59 million for the remainder of the state.

**Eligible Uses:** The purpose of the program is to encourage and support innovation at the county, region, or local level in redesigning the existing support system to homelessness or in establishing a comprehensive system. Grants may be used to prevent or decrease the period of homelessness of families with children, youth, and single adults, and to decrease the time period that families, youth, and single adults stay in emergency shelters. Grants may not be used to acquire, rehabilitate, or construct emergency shelters or transitional or permanent housing. Grants may *not* be used to pay more than 24 months of rental assistance.

**Other Requirements:**

- 1) Each project must be designed to stabilize people in their existing homes, shorten the amount of time that people stay in emergency shelters, and/or assist people with securing transitional or permanent affordable housing throughout the grantee's area of operation.
- 2) Each grantee must establish an advisory committee consisting of a homeless advocate, a homeless or formerly homeless person, a member of the state interagency task force on homelessness, local representatives, if any, of public and private providers of emergency shelter, transitional housing, and permanent affordable housing, and other members of the public. The grantee shall consult on a regular basis with the advisory committee in the design, implementation, and evaluation of the project.
- 3) Each grantee must submit an annual project report to the state interagency task force on homelessness. The report must include the actual program results compared to program objectives.

**Procedures:** Applicants should request application packets from the Agency, by writing or calling:

Carol Dixon  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101-1998  
(651) 296-8167 or 800-657-3701

The deadline for all applicants is **5:00 p.m., Thursday, April 15, 1999.**

## Department of Human Services

### Aging and Adult Services Division

#### Notice of Request for Proposals (RFP) for Caregiver Support and Respite Care Projects

##### Purpose

The Minnesota Department of Human Services (DHS) is soliciting proposals (RFPs) from eligible community-based agencies and organizations to provide caregiver support and respite care services for elderly persons throughout the state of Minnesota. Projects may serve caregivers providing care to other persons as other resources allow.

##### Funding Specifications

State appropriations will fund these projects for state fiscal years 2000 and 2001 contingent upon availability of funds and satisfactory performance, this contract may be extended for up to five years until June 30, 2004. The maximum contract awarded in each fiscal year will be **\$32,000 for a single applicant organization**. Proposals from multiple organizations, areas, or counties creating or funding a joint project are preferred and will not be limited to \$32,000 per fiscal year. Proposals from multiple partners shall specify the partners and the lead agency. Each partner organization shall provide caregiver support and respite care services.

##### Background

The State of Minnesota began a focus on informal caregivers more than seven years ago when legislative funding created the Caregiver Support and Respite Care Project to promote the development of new and/or enhanced community-based options and support services for informal caregivers in Minnesota.

##### Application Process

Completed proposals must be received by 4:00 p.m. on March 15, 1999 at the fourth floor offices of the Aging and Adult Services Division. Proposals must be submitted to Virginia L. Smith at the address listed below. Late proposals and any faxed proposals will not be considered. Late proposals received by mail will be returned unopened to the submitter.

##### Responders' Conference

A responders' conference is scheduled for 2:00-4:00 p.m. on Thursday, February 11, 1999 at the following address:

Room 1A  
Department of Human Services Building  
444 Lafayette Road North  
St. Paul, MN 55155

The purpose of the conference will be to address questions regarding this RFP. Attendance at the responders' conference is not required in order to submit a response to the RFP.

##### **Copies of the complete RFP may be obtained by contacting Virginia L. Smith at (651) 297-4182.**

Please contact Ms. Smith for reservations and directions to the responders' conference. Reservations are not mandatory but will help us in planning. Please direct any questions to:

Virginia L. Smith, Caregiver Support and Respite Care Program  
Department of Human Services, Aging and Adult Services  
444 Lafayette Road  
St. Paul, MN 55155-3843  
Telephone: (651) 297-4182

This Request for Proposals does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered in the State's best interest. The Department will competitively award grants on the basis of merit.

## Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Environmental Quality Board (EQB)

### Notice of Request for Proposals for a Literature Review of the Effects of Animal Agriculture

*Laws of Minnesota 1998*, Chapter 366, Section 86, directs the EQB to prepare a Generic Environmental Impact Statement (GEIS) on Animal Agriculture. The Legislation directs the EQB to "...examine the long-term effects of the livestock industry, as it exists and as it is changing, on the economy, environment and way of life of Minnesota and its citizens." The EQB recently adopted the scoping document for this GEIS or statewide study on animal agriculture.

The EQB is seeking proposals for a literature review of the 12 topics of concern related to the effects of animal agriculture and included in the scoping document. The literature review is the first step in the study and analysis phase of the GEIS. The results of the literature review will assist the EQB, working with a 25-member citizen advisory committee (CAC), to determine what additional research might be necessary on any of the 12 topics.

The total cost of the literature review of all 12 topics is expected to be approximately \$150,000 and no more than \$250,000. Proposals may address one or any number of the 12 topics of concern.

The selected contractor(s) will: identify and prepare a bibliography of relevant sources of information; identify any important ongoing studies and interview the key researchers; critically review the sources and report in writing and orally to the 25-member citizen advisory committee; critique the researchability of the current study questions; and, recommend additional steps that could be taken to extend knowledge beyond what is currently available.

If you are interested in receiving an RFP please request one in person, by phone, by fax or email from the contact person listed below. The RFP will not be available until February 1. Requesters must provide full name, address, phone number and fax number. Contact person:

Shannon Wills  
EQB / MN Planning  
300 Centennial Office Building, 658 Cedar Street  
St. Paul, MN 55155  
(651) 296-9535; (651) 296-3698 FAX  
email: [shannon.wills@mnplan.state.mn.us](mailto:shannon.wills@mnplan.state.mn.us)

## Higher Education Services Office

### Request for Proposals for Audit Services

The Minnesota Higher Education Services Office (MHESO) is requesting proposals from qualified Certified Public Accounting Firms to conduct an audit of the organization financial transactions. Proposals must be submitted by **February 19, 1999**.

The Request for Proposals (RFP) does not obligate MHESO to complete this project, and MHESO reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is not to exceed \$50,000 per year.

Copies of the complete RFP are available from:

Financial Services Division  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
(651) 642-0516

## Higher Education Services Office

### Request for Proposals for Interactive Web Site Features

The Higher Education Services Office is requesting proposals for implementation of Phase II of the redesign of its web site. Phase II includes several interactive features, including an online application for the interstate tuition reciprocity programs, a repayment calculator for the SELF Loan Program, a counseling tutorial for the SELF Program, an education learning tool to help students understand and prepare for higher education options, and a radio show that would facilitate interactive live chats and search for archived conversations.

Proposals must be submitted by **February 17, 1999**.

The Request Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is not to exceed \$60,000.

Copies of the complete RFP are available from:

Communications  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
(651) 642-0554

## Department of Human Services

### Notice of Request for Proposals for Alternative Payment for Nursing Facility Services

*1995 Laws of Minnesota*, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorized the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) Program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project is to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes*, Section 256B.431.

The *1997 Laws of Minnesota* amended *Minnesota Statutes* Section 256B.434. Effective July 1, 1997, the Commissioner is required to issue a request for proposals (RFPs) from nursing homes to provide services on a contract basis at least twice annually. The Commissioner may select the number of proposals that can be adequately supported with state resources and may contract with all facilities submitting a proposal provided that the proposal meets eligibility requirements outlined in the RFP. The nursing facility may be required to negotiate with the State any modifications to the proposal as required by the State to make the terms of the proposal more favorable to the State.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for one-year terms, up to a maximum of four years.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Jame Bovy at (651) 296-2666. The original and three (3) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Monday, March 29, 1999.

The State of Minnesota reserves the right to reject any and all proposals submitted.

## Professional, Technical & Consulting Contracts

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### Department of Human Services

#### Notice of Request for Proposals for Development of a Facilities Master Plan and Preparation for Pre-design for Consolidation or Reconfiguration of Central Office

The Department of Human Services intends to seek professional services for the development of a facilities master plan and preparation for pre-design for consolidation or reconfiguration of central office locations. This is intended to be a non-traditional master plan - one that utilizes participative approaches to collecting information and recognizes and builds on the increasingly wide range of alternative officing strategies.

With the overall goal of providing central office facilities that better meet current and future business needs, the Department is undertaking a comprehensive planning process that is intended to produce a long-range framework for future space and budgetary decision making. An innovative approach is sought which will tie the Department's mission, success factors, business applications and needs to the recommended strategy for workplace design. We hope for a better understanding of how new approaches in officing, such as hotelling, working from customer/stakeholder locations, and telework might play a role in the Department's future. This information will be used internally by the Department's staff and senior management and externally by other executive branch agencies and legislative committees in the pre-design and later in the capital and/or administrative budget process.

Copies of the entire Request for Proposal may be requested from:

Linda Nelson  
Department of Human Services  
Management Services Division  
444 Lafayette Road  
St. Paul, MN 55155-3807  
(651) 296-6633  
[linda.m.nelson@state.mn.us](mailto:linda.m.nelson@state.mn.us)

Proposals must be received by Linda Nelson at the address listed above no later than 4:00 p.m. on March 1, 1999. Later proposals and faxed proposals will not be considered.

### Minnesota Racing Commission

#### Notice of Request for Proposal for Equine Drug Testing Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is requesting proposals for the on-going testing of equine body fluids for the presence of prohibited medications for the 1999 and 2000 live race meets.

For further information call Richard G. Krueger at (612) 496-7950. To obtain a copy of the complete Request for Proposal please contact:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
1100 Canterbury Road  
P.O. Box 630  
Shakopee, MN 55379

The deadline for submitting applications is **Friday, February 26, 1999 at 4:00 PM** central standard time.

In compliance with *Minnesota Statutes* 16B.167 the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Notice of Contractual Positions.

## Minnesota Racing Commission

### Notice of Contractual Positions for: Chief Commission Veterinarian/Assistant Commission Veterinarian

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is accepting applications for the contractual positions of Chief Commission Veterinarian and Assistant Commission Veterinarians during the 1999 and 2000 live race meets. Included is one 2-day county fair pari-mutuel race meet in Wheaton, Minnesota along with a 56-day race meet at Canterbury Park, Shakopee, Minnesota. Providers must be licensed to practice veterinary medicine in the State of Minnesota. Preference will be given to qualified providers who have served in a regulatory veterinary capacity in previous years. Further preference for the Chief Commission Veterinarian position will be given to qualified providers whom also hold an advanced degree in veterinary related sciences.

For further information call Richard G. Krueger at (612) 496-7950. To obtain a copy of the complete Notice of Contractual Positions please contact:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
1100 Canterbury Road  
P.O. Box 630  
Shakopee, MN 55379

The deadline for submitting applications is **Friday, February 26, 1999 at 4:00 PM** central standard time.

In compliance with *Minnesota Statutes* 16B.167 the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Notice of Contractual Positions.

## Minnesota Racing Commission

### Notice of Contractual Positions for Presiding and Associate State Stewards

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is accepting applications from qualified individuals for the contractual positions of Presiding and Associate State Stewards at Canterbury Park, Shakopee, Minnesota and/or the Traverse County Fair, Wheaton, Minnesota during the 1999 and 2000 live race meets. According to *Minnesota Rules* 7879.0100, in order to be qualified to serve as a State Steward, an individual must either be licensed by the U.S.T.A. as a Judge or have received Steward accreditation from the University of Louisville or the University of Arizona.

For further information call Richard G. Krueger at (612) 496-7950. To obtain a copy of the complete Notice of Contractual Positions please contact:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
1100 Canterbury Road  
P.O. Box 630  
Shakopee, MN 55379-0630

The deadline for submitting applications is **Friday, February 26, 1999 at 4:00 PM** central standard time.

In compliance with *Minnesota Statutes* 16B.167 the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Notice of Contractual Positions.

## Department of Public Service

### Notice of Request for Proposals for Consultants to Assist in the Delivery of Testimony on Competitive Local Telephone Companies and Unbundled Network Elements, Access and Costs

#### I. INTRODUCTION

The Minnesota Department of Public Service (Department) is soliciting proposals from qualified consultants to assist in the delivery of testimony on a variety of issues that are to be addressed in a pending proceeding before the Minnesota Public Utilities Commission (Commission). The proceeding is concerned with the appropriate pricing of unbundled network elements (UNEs) that might be provided by GTE Minnesota to competitive local telephone companies that provide local service in GTE's exchanges. Specifically, consultants are sought who are capable of doing the following tasks: determine with accuracy the forward-looking cost of capital of GTE Minnesota; assess and criticize various engineering/economics models of the cost of providing service in exchanges served by GTE Minnesota; evaluate the methods of assessing the value of stranded investment; develop and deliver testimony regarding the cost of UNEs; and be capable of evaluating alternative pricing proposals as they relate to state and federal law.

#### II. QUALIFICATION OF RESPONDENTS

Qualified respondents should be able to demonstrate experience and expertise in telephone network architectures and in the costing and pricing models generally employed in the industry. Respondents should have experience in determining interconnection elements, unbundled pricing of elements, and in establishing cost-based prices for service elements and bundled services. Respondents should have experience in evaluating financial conditions of local exchange telephone companies. Respondents must also have experience in testifying on these or related matters in an administrative law setting. Prior participation as an expert witness in a contested case proceeding is essential.

The qualified respondent will provide a list of every commission or regulatory body before which the consultant/firm has presented similar testimony.

#### III. SCOPE OF THE PROJECT

##### A. DURATION OF THE PROJECT

The duration of this project is anticipated to be from approximately February 15, 1999 to December 30, 1999. The initial contract may be renewed or extended for up to a year at the discretion of the Department. The consultant's recommendations must be defensible by the consultant in sworn testimony in a contested case hearing.

##### B. TASKS TO BE PERFORMED

The Department's objective is to have experts review and critique part of the prefiled testimony of witnesses sponsored by GTE Minnesota and its prospective competitors in Docket No. P442,407,5321,466/CI-96-1541. The successful applicant will work closely with Department staff members who will address policy issues and deliver testimony on the economic theory underlying the models included in the proceeding. The consultant will provide key inputs to the operation of the economic models, such as the forward-looking cost of capital and the engineering assumptions underlying the cost equations of each model. The Department anticipates that the consultant's analysis will involve at least the following tasks:

1. Evaluate the incumbent's forward-looking network architecture, and its interconnection and unbundling proposals. Confirm that service quality provided by such a network will conform with state and federal standards. Conduct discovery on behalf of the Department on network engineering issues that arise in the evaluation of testimony provided by GTE Minnesota and other parties. Develop and deliver the Department's testimony on all engineering inputs for the various economic models included in the proceeding.
2. Conduct discovery on behalf of the Department on capital cost issues that arise in the evaluation of testimony provided by GTE Minnesota and other parties. Develop and deliver the Department's testimony regarding the forward-looking cost of capital for GTE Minnesota.
3. Defend prefiled testimony by undergoing cross-examination under oath.
4. Assist Department counsel in his/her preparation of cross-examination questions, oral arguments and briefs.

Department staff will assist the consultant in obtaining required information from GTE Minnesota and other parties. The consultant may propose additional tasks or activities if they would substantially improve the ability of the Department to advocate its recommendations in evidentiary proceedings or the preparation of documents used in the case.

**IV. PROPOSAL CONTENTS**

In response to this RFP, the contractor should, at a minimum, include the following information:

1. The contractor's background and experience in these matters.
2. A restatement of the objectives and tasks embodied by the project to demonstrate understanding of the proposal.
3. An identification of the personnel who will perform each task, their training and experience. No change of personnel assigned to this project will be permitted without prior approval of the Department.
4. A detailed work plan that identifies in specific terms all the tasks to be performed to fulfill the obligations of the tasks enumerated in III.B. above, and cost estimates associated with each of the proposed activities.
5. Copies of recent testimony, studies or reports regarding the issues described above.

**V. EVALUATION**

All proposals received by the deadline will be evaluated by the representatives of the Department. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Demonstrated understanding of the objectives of the project.
2. Recognition of issues and specific proposals by which to accomplish tasks.
3. Project work detail.
4. Project cost detail.
5. Qualifications and experience of both contractor/firm and personnel. The experience of the personnel will be given greater weight than that of the firm.

The Department will entertain proposals to provide testimony for only the cost of capital or the remaining issues described above.

**VI. SUBMISSION OF PROPOSALS**

Responses to this RFP are due on or *before 4:00 p.m., February 5, 1999*. Please include two (2) copies of your response to:

Dr. Nelson J. Updaw  
Manager, Telecommunications  
Minnesota Department of Public Service  
200 Metro Square Building  
121 East 7th Place  
St. Paul, Minnesota 55101-2145  
(651) 296-7603

In accordance with *Minnesota Statutes* § 363.073, any proposal in excess of \$100,000 from a company who has had, during the past year, 40 or more full-time employees in Minnesota, must complete an affirmative action data form (attached).

Late proposals will not be considered. Each proposal must be signed in ink by an authorized member of the firm. Proposals are to be sealed in mailing envelopes or packages with the consultant's name and address clearly written on the outside. Prices and terms of the proposal must be valid for the length of the project. Prospective respondents with questions should contact Dr. Updaw. Other Department personnel may not discuss the project before the submission deadline.

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## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council

### Transit Division

### Request for Statements of Qualifications Transit Control Center Upgrade and CAD/AVL RFP

The Metro Transit Division of Metropolitan Council, the major transit service provider in the Twin Cities of Minneapolis/St. Paul is seeking Statements of Qualifications from firms for providing design services to prepare an RFP for supplying and installing CAD/AVL equipment in the 900-bus fleet, and for architectural and engineering design services for the Transit Control Center (TCC) structure.

Services to be provided include the planning and design of CAD/AVL software and equipment requirements, RFP development, assistance with vendor evaluation, document review during procurement, and support during installation of new CAD/AVL hardware and software in fleet vehicles and in the TCC. Services would also include the detailed design of architectural, structural, mechanical, civil and electrical systems for the relocated TCC, and construction support. The site and floor plans for the TCC will be available from others.

Qualified firms should have significant prior experience with both electronic and architectural/engineering design of transit radio control centers, development of CAD/AVL RFPs, project management and coordination, and successful system integration and startup.

Interested firms should submit a Letter of Interest requesting a copy of the Statement of Qualifications package to:

Administrative Assistant, Contracts and Documents Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101

Requests may also be faxed to: (651) 602-1138

Qualifications packages are due by **12 noon, January 27th, 1999.**

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.



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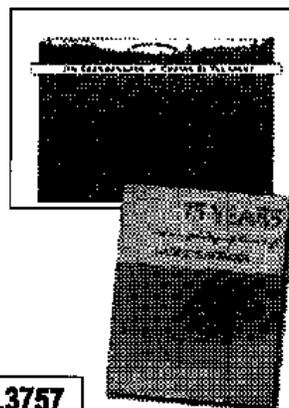
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